

REMARKS

The present Amendment is submitted in response to the Office Action mailed January 23, 2009. The claims have been amended in a manner to better distinguish the present invention over the art of record. Allowance is respectfully requested.

In the Office Action, Claims 1, 8 and 14 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,245,140 to Thix, et al.

The Thix, et al. relates to a container device for distributing a drinkable liquid under pressure from a gas. The container device includes a liquid container with a combined gas and liquid valve and a coupling head which may be detachably coupled with the gas and liquid valve for dispensing liquid from the liquid container and adding gas via a reduction valve from a reservoir of liquefied gas in a high pressure container.

The present invention relates to a cooling chamber 4 which has attached to it the dispensing head 13, which can include a tapping handle. The consumer places a beer container or keg 3 into the cooling chamber via the top opening to which the lid 5 is attached. The chamber wall is hinged opened at hinge 6. Next, the consumer can connect the dispensing line 10 to the container's drink dispensing opening 8, which is closed by a spring-biased valve 9, 43 so that beer can flow from the container interior to the dispensing head 13. Alternatively a disposable dispensing line may be provided with the container, the outflow end of which dispensing can be coupled to the topping head by the user.

At the dispensing head 13, the consumer can operate the dispensing of beer from the container by actuating the tapping handle 14.

In order to pressurize the contents of the container 3 for tapping its contents, a pressure reservoir 17 is incorporated into the container, the pressure reservoir for instance comprising

pressurized carbon dioxide. In order to provide an easy connection for the consumer of the container interior with the pressure reservoir, the present invention provides the connecting action via the closing of the lid. Once the container 3 has been placed into the cooling chamber 4 through the top while the lid has been hinged open and the dispensing opening 8 of the container has been coupled to the dispensing head, the consumer places the assembly in a ready for use condition by simply closing the lid 5, without further intermediate operations. This provides a well-defined and reliable pressure connection and avoids a loss of pressure medium. This is especially important as the user of the dispensing assembly is an un-trained consumer without any significant mechanical skills or without any bartender experience in coupling pressurized CO₂ containers to a beer keg. The hassle-free connection of the beer keg to the pressure reservoir greatly enlarges consumer satisfaction and improves the operation of the home beer dispenser according to the invention.

It is noted that an important feature of the present invention is that the cooling chamber 4 in which the beer container (or any other carbonated drink if so desired) is placed, can be continuously on stand-by for dispensing a cooled drink for a longer period of time, such as for instance three weeks. The constant availability of tapping a cool beer is an important aspect of the innovative home beer dispenser, and the contents of the container do not have to be emptied in the period of 1 or a few hours, often in which they become too warm to drink, as in known beer containers of larger size. Also the fact that the dispenser provides its own cooling provides a substantial consumer benefit.

In the Thix, et al. '140 patent, a beer container 1 is provided having an integrated high pressure container 102 or 202 in which CO₂ may be contained at a pressure of for instance, 190 bar. The high-pressure container is connected to the interior (which is at a low pressure of, for instance,

3 bar) of the beer container via a central combined gas-liquid valve 6 when the consumer attaches a coupling head 3 to the neck ring 5 of the container.

The coupling head 3 of Thix, et al. (i.e., see column 4 lines 57-59) has a dispensing valve 14 that is actuated by rocker arm 15. No cooling chamber is present in Thix, et al., which is closed by a lid at its top opening. In contrast to the dispensing assembly of the present invention, the consumer needs to carry out a relatively complex operation of connecting at the same time, the tapping head (i.e., 3 in Thix) to the central beer outlet valve 6 connecting the pressure reservoir 102, 202 to the container interior via the same valve by attaching the coupling head 3. If the coupling head 3 is incorrectly placed, CO₂ may escape, or pressurized beer may leak from the valve 6, or both. This is avoided by the present invention by combining the connecting action of the pressure reservoir to the container interior with the closing of the lid of the cooling chamber, which is much more intuitive, easy and reliable for a consumer. This feature is not available in the Thix, et al. assembly. In particular, the coupling head 3 of Thix, et al., cannot be equated with the hinging lid 5 of the cooling chamber 4 of the dispenser of the present invention.

In the Office Action, Claims 2-4, 6-7, 9 and 15-17 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,246,140 to Thix, et al. in view of U.S. Patent No. 4,402,429 to Vanden Driessche. The comments presented hereinabove with respect to U.S. Patent No. 5,246,140 to Thix, et al., are repeated herein. The Vanden Driessche '429 patent relates to an apparatus for drawing off carbonated drinks from a container with incorporated gas supply, whereby a separate cartridge-dispensing line-tapping valve unit is integrated in the neck of the container, rather than by a consumer.

It is respectfully submitted that claims 2-4, 6-7, 9 and 15-17 as amended herein, are distinguished patentably over the '140 patent to Thix, et al. and the '429 Vanden Driessche patent, considered individually or in combination, in whole or in part.

In the Office Action, claims 5 and 10 were rejected under 35 U.S.C. §103(a) over Thix, et al., as applied in Claim 1, in view of U.S. Patent No. 4,702,396 to Gwiazda. Gwiazda '396 relates to an apparatus for preserving and dispensing wine. This patent does not supply the deficiencies of Thix, et al. with respect to the claims as amended herein. Accordingly, withdrawal of the rejection of claims 5 and 10 under 35 U.S.C. §103(a) is respectfully requested.

In the Office Action, Claims 11-13 and 18 were rejected under 35 U.S.C. §103(a) over Thix, et al., in view of Vanden Driessche, as applied in Claims 2, 3, 4 and 5, respectively, and further in view of Gwiazda. The remarks presented hereinabove with respect to these patents are repeated herein. Moreover, it is respectfully submitted that claims 11-13 and 18 have been amended in a manner which clearly distinguishes the present invention over all of the art of record, considered individually or in combination, in whole or in part.

Withdrawal of the rejections of claims 1-18 is respectfully requested in view of the amendments and remarks submitted herein. Allowance is respectfully requested.

CONCLUSION

It is respectfully submitted that the amendments to the claims submitted herein place the present application in condition for allowance.

EXTENSION OF TIME

A Petition for Extension of Time for responding to the outstanding Office Action from April 23, 2009 to July 23, 2009, together with the requisite fee of \$1,110 is submitted herewith.

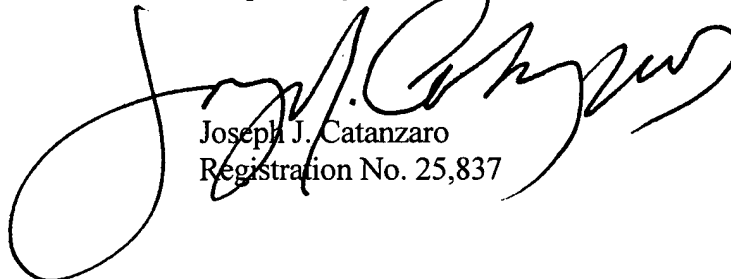


ADDITIONAL FEES AND OVERPAYMENTS

Please charge any additional fee(s) and credit any overpayment(s) to Deposit

Account No. 01-0035.

Respectfully Submitted,



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